



MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 1

Monday, October 20, 2003

ORDER OF THE DAY:

The Clerk of the Committee presided over the election of a Chair.

MEMBERS OF THE COMMITTEE PRESENT:

Carole-Marie Allard, Gilbert Barrette, Mauril Bélanger, Libby Davies, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Paul Harold Macklin for Dominic LeBlanc, Raymond Simard for Mauril Bélanger, and Alan Tonks for Derek Lee.

IN ATTENDANCE:

Library of Parliament:
Gérald Lafrenière, Analyst.



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Jean-Michel Roy Clerk of the Committee

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Meeting No. 1

Monday, October 20, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 3:37 p.m. this day, in Room 307 West Block, for the purpose of electing a Chair.

Members of the Committee present: Carole-Marie Allard, Gilbert Barrette, Mauril Bélanger, Libby Davies, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Paul Harold Macklin for Dominic LeBlanc, Raymond Simard for Mauril Bélanger and Alan Tonks for Derek Lee.

In attendance: Library of Parliament: Gérald Lafrenière, Analyst.

The Clerk of the Committee presided over the election of a Chair.

On motion of Alan Tonks, it was agreed, — That Paddy Thorsney be elected Chair of the Committee.

The Clerk of the Committee presided over the election of the Vice-Chairs.

On motion of Paul Harold Macklin, it was agreed, — That Carole-Marie Allard be elected Vice-Chair of the Committee.

On motion of Kevin Sorenson, it was agreed, — That Randy White be elected Vice-Chair of the Committee.

Paddy Torsney took the Chair.

On motion of Randy White, it was agreed, — That the Committee retain the services of two (2) researchers from the Library of Parliament, as needed, to assist the Committee in its work.

On motion of Randy White, it was agreed, — That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present providing that at least three (3) members are present, including a member of the opposition.

On motion of Randy White, it was agreed, — That witnesses be given 10 minutes for their opening statement and that during the questioning of the witnesses, there be allocated 10 minutes for the first questioner of each party; and that thereafter 5 minutes be allocated to each subsequent questioner, at the discretion of the Chair.

On motion of Randy White, it was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, not exceeding two (2) representatives per organization.

On motion of Randy White, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee.

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County to of the Africa, it was agreed, "Your the Circle of the County on the country to make the many the country of the County of the Country of the Count

On motion of Kevin Sorenson, it was agreed, — That forty-eight (48) hours' notice of any substantive motions be given to the Clerk of the Committee.

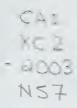
On motion of Randy White, it was agreed, — That the Clerk of the Committee be authorized to distribute documents received from the public only after they have been translated and made available in both official languages.

At 4:11 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/10/21 4:20 p.m.

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MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 2

Wednesday, October 22, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Mauril Bélanger, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Paul Harold Macklin for Gilbert Barrette.

IN ATTENDANCE:

Library of Parliament:
Gérald Lafrenière, Analyst.
House of Commons:
Susan Baldwin, Legislative Clerk.



WITNESSES:

Department of Justice:

Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy and Community Justice Branch; Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section.

Department of the Solicitor General (Public Safety and Emergency Preparedness):

Patricia Hassard, Assistant Deputy Solicitor General, Policing and Law Enforcement Branch.

Department of Health:

Linda Dabros, Special Advisor to the Director General, Drug Strategy and Controlled Substances Programme, Healthy Environments and Consumer Safety Branch.

Department of Foreign Affairs and International Trade (Foreign Affairs): Terry Cormier, Director, International Crime Division.

The witnesses made statements and answered questions.

Jean-Michel Roy Clerk of the Committee





Meeting No. 2

Wednesday, October 22, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 6:45 p.m. this day, in Room 269 West Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Mauril Bélanger, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Paddy Torsney and Randy White.

Acting Members present: Paul Harold Macklin for Gilbert Barrette.

In attendance: Library of Parliament: Gérald Lafrenière, Analyst. House of Commons: Susan Baldwin, Legislative Clerk.

Witnesses: Department of Justice: Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy Section; Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section. Department of the Solicitor General: Patricia J. Hassard, Assistant Deputy Solicitor General, Policing and Law Enforcement Branch. Department of Health: Linda Dabros, Special Advisor to the Director General, Drug Strategy and Controlled Substances Programme, Healty Environments and Consumer Safety Branch. Department of Foreign Affairs and International Trade: Terry Cormier, Director, International Crime Division.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee commenced consideration of the Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

The witnesses made statements and answered questions.

At 7:11 p.m., the sitting was suspended.

At 7:16 p.m., the sitting resumed.

At 8:35 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/10/23 1:13 p.m.



MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 3

Thursday, October 23, 2003

ORDER OF THE DAY:

The Committee proceeded to the consideration of matters related to Committee business.

MEMBERS OF THE COMMITTEE PRESENT:

Mauril Bélanger, Libby Davies, Derek Lee, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Sarmite Bulte for Carole-Marie Allard, Christian Jobin for Dominic LeBlanc, and Paul Harold Macklin for Gilbert Barrette.

IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst.





Jean-Michel Roy Clerk of the Committee



Meeting No. 3

Thursday, October 23, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met *in camera* at 3:23 p.m. this day, in Room 308 West Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Mauril Bélanger, Libby Davies, Derek Lee, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Sarmite Bulte for Carole-Marie Allard, Christian Jobin for Dominic LeBlanc and Paul Harold Macklin for Gilbert Barrette.

In attendance: Library of Parliament: Chantal Collin, Analyst.

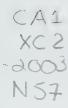
The Committee met to discuss its future business.

At 4:17 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/10/30 1:24 p.m.





MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 4

Tuesday, October 28, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Carole-Marie Allard, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Inky Mark, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Christian Jobin for Mauril Bélanger, and Paul Harold Macklin for Gilbert Barrette.



IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst;
Gérald Lafrenière, Analyst.

WITNESSES:

Royal Canadian Mounted Police:
Garry Loeppky, Deputy Commissioner, Operations.

National Police Services of the Royal Canadian Mounted Police:
Pierre Lavoie, Officer in Charge of the CPIC Program Policy,
Canadian Police Information Centre;
Robert Thompson, Acting Officer in Charge, Canadian Criminal
Records Information Services.

University of Ottawa:

Line Beauchesne, Associate Professor, Department of Criminology.

Jean-Michel Roy Clerk of the Committee





Meeting No. 4

Tuesday, October 28, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met in a televised session at 7:17 p.m. this day, in Room 253-D Centre Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Carole-Marie Allard, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Inky Mark, Paddy Torsney and Randy White.

Acting Members present: Christian Jobin for Mauril Bélanger and Paul Harold Macklin for Gilbert Barrette.

In attendance: Library of Parliament: Chantal Collin, Analyst; Gérald Lafrenière, Analyst.

Witnesses: Royal Canadian Mounted Police: Garry Loeppky, Deputy Commissioner Operations. National Police Services of the RCMP: Pierre Lavoie, Officer in Charge of the CPIC Program Policy, Canadian Police Information Centre; Robert Thompson, Acting Officer in Charge, Canadian Criminal Records Information Services. University of Ottawa: Line Beauchesne, Associate Professor, Department of Criminology.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of the Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

The witnesses made statements and answered questions.

At 9:12 p.m., the sitting was suspended.

At 9:14 p.m., the sitting resumed in camera.

At 9:33 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/10/29 9:45 a.m.





MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 5

Wednesday, October 29, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Libby Davies, Dominic LeBlanc, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Gérard Binet for Gilbert Barrette.

IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst.





WITNESSES:

BC Civil Liberties Association:
Kirk Tousaw, Policy Director.

Canadian Council of Criminal Defence Lawyers: Mark Lapowich, Member.

Criminal Lawyers Association: Paul Burstein, Director.

Susan Baldwin Committee Clerk





Meeting No. 5

Wednesday, October 29, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met in a televised session at 3:37 p.m. this day, in Room 253-D Centre Block, the Chair Paddy Torsney, presiding.

Members of the Committee present: Libby Davies, Dominic LeBlanc, Paddy Torsney and Randy White.

Acting Members present: Gérard Binet for Gilbert Barrette.

In attendance: Library of Parliament: Chantal Collin, Analyst.

Witnesses: BC Civil Liberties Association: Kirk Tousaw, Policy Director. Canadian Council of Criminal Defence Lawyers: Mark Lapowich, Member. Criminal Lawyers Association: Paul Burstein, Director.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of the Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

The witnesses made statements and answered questions.

At 5:22 p.m., the Committee adjourned to the call of the Chair.

Susan Baldwin Committee Clerk

2003/10/30 11:26 a.m.



MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 6

Monday, November 3, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Gilbert Barrette, Derek Lee, Richard Marceau, Inky Mark, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Paul Harold Macklin for Carole-Marie Allard.

IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst;
Gérald Lafrenière, Analyst.

House of Commons:
Susan Baldwin, Legislative Clerk.



WITNESSES:

International Association of Fire Fighters:

Jim Lee, Assistant to the General President, Canadian Operations.

Canadian Association of Chiefs of Police:

Mike Boyd, Deputy Chief, Toronto Police Service and Chair of the Drug Abuse Committee; Jim Hutchinson, Detective Superintendent, Drug Enforcement Section, Investigation Bureau, Ontario Provincial Police and Member of the Drug Abuse Committee.

Canadian Professional Police Association: Tony Cannavino, President.

Canadian Foundation for Drug Policy: Eugene Oscapella, Director.

Mothers Against Drunk Driving:
Andrew Murie, Executive Director.

Brant Brantford Drinking and Driving Countermeasures Committee: Lawrence Palk, Co-Chair.

Osgoode Hall Law School:
Allan Young, Professor.





Meeting No. 6

Monday, November 3, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 11:04 a.m. this day, in Room 269 West Block, the Vice-Chair, Randy White, presiding.

Members of the Committee present: Gilbert Barrette, Derek Lee, Richard Marceau, Inky Mark, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Paul Harold Macklin for Carole-Marie Allard.

In attendance: Library of Parliament: Chantal Collin, Analyst; Gérald Lafrenière, Analyst. House of Commons: Susan Baldwin, Legislative Clerk.

Witnesses: International Association of Fire Fighters: Jim Lee, Assistant to the General President, Canadian Operations. Canadian Association of Chiefs of Police: Mike Boyd, Deputy Chief of Toronto Police Service and Chair of the Drug Abuse Committee; Jim Hutchinson, Detective Superintendent, Drug Enforcement Section, Investigation Bureau, Ontario Provincial Police and Member of the Drug Abuse Committee. Canadian Professional Police Association: Tony Cannavino, President. Canadian Foundation for Drug Policy: Eugene Oscapella, Director. Mothers Against Drunk Driving: Andrew Murie, Executive Director. Brantford Drinking and Driving Countermeasures Committee: Lawrie Palk, Co-Chair. Osgood Hall Law School: Allan Young, Professor.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

Jim Lee, Mike Boyd, Jim Hutchinson, Tony Cannavino and Eugene Oscapella made statements and answered questions.

At 11:43 a.m., Paddy Torsney took the Chair.

At 12:34 p.m., the sitting was suspended.

At 12:43 p.m., the sitting resumed.

Andrew Murie, Lawrie Pallk and Allan Young made statements and answered questions.

At 2:01 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/11/18 11:29 a.m.





MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 7

Monday, November 3, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Gilbert Barrette, Libby Davies, Hedy Fry, Derek Lee, Richard Marceau, Inky Mark, Réal Ménard, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Marlene Jennings for Dominic LeBlanc, Christian Jobin for Derek Lee, Paul Harold Macklin for Carole-Marie Allard, and David Price for Mauril Bélanger.





IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst;
Gérald Lafrenière, Analyst.

WITNESSES:

Canadian for safe access:
Philippe Lucas, Director.

Canadian Centre on Substance Abuse:

Patricia Begin, Director, Research and Policy;
Michel Perron, Chief Executive Officer.

University of Toronto:
Harold Kalant, Professor, Department of Pharmacology.

As an Individual:
Patricia Erickson.

Marijuana Party:

Marc Boris Saint-Maurice, Leader.

Susan Baldwin Committee Clerk





Meeting No. 7

Monday, November 3, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 3:39 p.m. this day, in Room 269 West Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Gilbert Barrette, Libby Davies, Hedy Fry, Derek Lee, Richard Marceau, Inky Mark, Réal Ménard, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Marlene Jennings for Dominic LeBlanc, Christian Jobin for Derek Lee, Paul Harold Macklin for Carole-Marie Allard and David Price for Mauril Bélanger.

In attendance: Library of Parliament: Chantal Collin, Analyst; Gérald Lafrenière, Analyst.

Witnesses: Canadian for safe access: Philippe Lucas, Director. Canadian Centre on Substance Abuse: Patricia Begin, Director, Policy and Research; Michel Perron, Chief Executive Officer. University of Toronto: Harold Kalant, Professor, Department of Pharmacology. As Individual: Patricia Erickson. Marijuana Party: Marc Boris Saint-Maurice, Leader.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

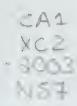
The witnesses made statements and answered questions.

At 5:40 p.m., the Committee adjourned to the call of the Chair.

Susan Baldwin Committee Clerk

2003/11/05 9:06 a.m.





MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 8

Tuesday, November 4, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Carole-Marie Allard, Libby Davies, Derek Lee, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Marlene Jennings for Gilbert Barrette, and Paul Harold Macklin for Mauril Bélanger.

IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst;
Gérald Lafrenière, Analyst.



WITNESSES:

Simon Fraser University:
Neil Boyd, Professor of Criminology.

As an Individual: John Conroy.



Meeting No. 8

Tuesday, November 4, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 9:14 a.m. this day, in Room 705 La Promenade Building, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Carole-Marie Allard, Libby Davies, Derek Lee, Richard Marceau, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Marlene Jennings for Gilbert Barrette and Paul Harold Macklin for Mauril Bélanger.

In attendance: Library of Parliament: Chantal Collin, Analyst; Gérald Lafrenière, Analyst.

Witnesses: Simon Fraser University: Neil Boyd, Professor of Criminology. As Individual: John Conroy.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

On motion of Paul Macklin, it was agreed, - That the amount of \$41,000 be adopted as the operational budget of the Special Committee on the Non-Medical use of Drugs (SC38) in relation to its study of Bill C-38.

The witnesses made statements and answered questions.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/11/05 9:11 a.m.



MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 9

Tuesday, November 4, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

Carole-Marie Allard,
Gilbert Barrette,
Libby Davies,
Hedy Fry,
Derek Lee,
Richard Marceau,
Inky Mark,
Réal Ménard,
Kevin Sorenson,
Paddy Torsney
and Randy White.

ACTING MEMBERS PRESENT:

Christian Jobin for Dominic LeBlanc, and Paul Harold Macklin for Mauril Bélanger.





IN ATTENDANCE:

Library of Parliament:
Chantal Collin, Analyst;
Gérald Lafrenière, Analyst.

APPEARING:

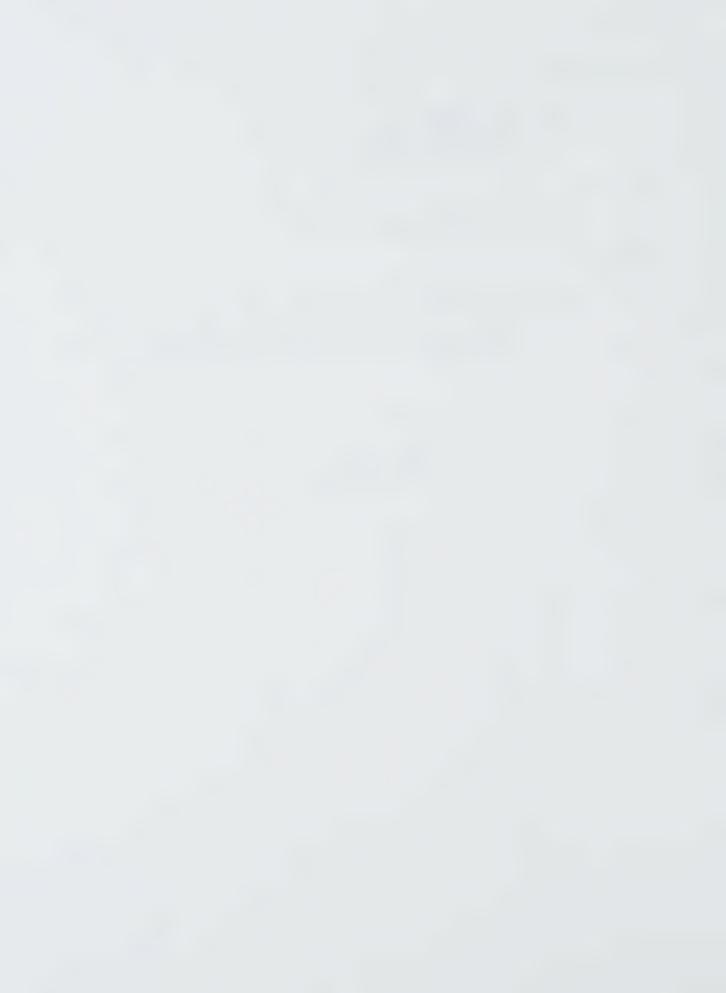
Hon. Martin Cauchon, Minister of Justice.

WITNESSES:

Department of Justice:

Donald K. Piragoff, Senior General Counsel, Criminal Law Policy Section;

Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section.





Meeting No. 9

Tuesday, November 4, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met in a televised session at 7:06 p.m. this day, in Room 253-D Centre Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Carole-Marie Allard, Gilbert Barrette, Libby Davies, Hedy Fry, Derek Lee, Richard Marceau, Inky Mark, Réal Ménard, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Christian Jobin for Dominic LeBlanc and Paul Harold Macklin for Mauril Bélanger.

In attendance: Library of Parliament: Chantal Collin, Analyst; Gérald Lafrenière, Analyst.

Appearing: Hon. Martin Cauchon, Minister of Justice.

Witnesses: Department of Justice: Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

The Minister made a statement and, with the witnesses, answered questions.

At 9:05 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/11/05 11:45 a.m.





MINUTES OF PROCEEDINGS

SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS (BILL C-38)

Chair: Ms. Paddy Torsney, Lib.

Meeting No. 10

Wednesday, November 5, 2003

ORDER OF THE DAY:

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

MEMBERS OF THE COMMITTEE PRESENT:

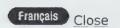
Carole-Marie Allard, Gilbert Barrette, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Réal Ménard, Kevin Sorenson, Paddy Torsney and Randy White.

ACTING MEMBERS PRESENT:

Christian Jobin for Carole-Marie Allard, Paul Harold Macklin for Mauril Bélanger, Massimo Pacetti for Mauril Bélanger, and David Price for Dominic LeBlanc.







Meeting No. 10

Wednesday, November 5, 2003

The Special Committee on the Non-medical Use of Drugs (Bill C-38) met at 3:43 p.m. this day, in Room 362 East Block, the Chair, Paddy Torsney, presiding.

Members of the Committee present: Carole-Marie Allard, Gilbert Barrette, Libby Davies, Hedy Fry, Dominic LeBlanc, Derek Lee, Richard Marceau, Réal Ménard, Kevin Sorenson, Paddy Torsney and Randy White.

Acting Members present: Christian Jobin for Carole-Marie Allard, Paul Harold Macklin for Mauril Bélanger, Massimo Pacetti for Mauril Bélanger and David Price for Dominic LeBlanc.

Pursuant to the Order of Reference of Tuesday, October 21, 2003, the Committee resumed consideration of Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

The Committee commenced its clause-by-clause study of the Bill.

At 3:51 p.m., the sitting was suspended.

At 4:01 p.m., the sitting resumed.

Clause 1 carried on division.

Clause 2 carried on division.

New Clause 2.1

Libby Davies moved, — That Bill C-38 be amended by adding after line 27 on page 1 the following new clause:

"2.1 "That the following be added to section 7 of the Contraventions Act:

"That there be no powers of arrest under subsections 5 and 5.1 or 3(a) of the Controlled Drugs and Substance Act."

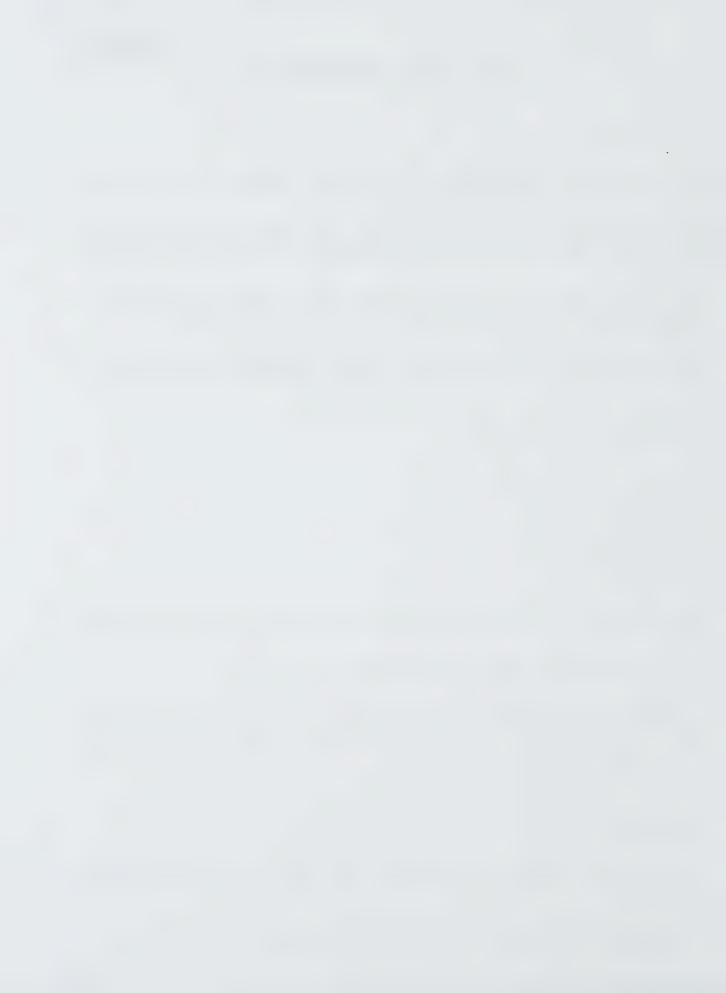
After debate, the question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 1; NAYS: 6.

By unanimous consent, Clause 3 was allowed to stand.

New Clause 3.1

Libby Davies moved, — That Bill C-38 be amended by adding after line 7 on page 2 the following new clause:

"3.1 Section 58 of the *Contraventions Act* is amended by adding the following:



"(1.1) No person shall face imprisonment for default of a fine as set out in subsections 5, 5.1 or 3a of the Act."

After debate, by unanimous consent, the amendment was allowed to stand.

Dominic LeBlanc moved, — That Bill C-38 be amended by adding after line 7 on page 2 the following:

"3.1 The Act is amended by adding the following after section 64:

64.1 Every person who has access to the automated criminal conviction records retrieval system or other law enforcement information systems, maintained or managed by the Royal Canadian Mounted Police or by an organization having a law enforcement role, and who knowingly discloses to a foreign government or international organization or, their agent, information contained in that system respecting an offence under subsection 4(1) of the *Controlled Drugs and Substances Act* as described in subsection 4(5), (5.1), (5.2) or (5.4) of that Act or an offence under paragraph 7(3)(a) of that Act is guilty of an offence punishable on summary conviction, unless they are required by a court order to disclose the information."

Debate arose thereon.

At 5:32 p.m., the sitting was suspended.

At 6:26 p.m., the sitting resumed.

Richard Marceau moved, — That the amendment be amended by adding the following:

"If a person is, after the coming into force of section 5 of this Act, convicted of an offence under subsection 4(1) of the *Controlled Drugs and Substances Act* for which a fine may be imposed, and the subject-matter of the offence is a substance included in Schedule II of that Act, the judicial record of conviction of the person shall be kept separate and apart from other criminal records." By unanimous consent, the subamendment was withdrawn.

After debate, the question was put on the amendment of Dominic LeBlanc and it was agreed to, by a show of hands: YEAS: 8; NAYS: 2.

Clause 3 carried on division.

On Clause 4,

The Chair ruled that the following amendment was consequential to the previous amendment and therefore it was also adopted:

That Bill C-38, in Clause 4, be amended by replacing line 24 on page 2 with the following:

« 64.1, 65, 65.2 and 65.3 apply in respect of the » Clause 4, as amended, carried on division.

At 7:02 p.m., the sitting was suspended.

At 7:11 p.m., the sitting resumed.



On Clause 5,

Libby Davies moved, — That Bill C-38, in Clause 5, be amended by replacing line 31 on page 2 with the following:

"5(1) The definition of traffic in subsection 2(1) of the Controlled Drugs and Substances Act is replaced with the following:

"traffic means, in respect of a substance included in any of schedules I to IV,

(a) to sell, administer, give - except in respect of a substance referred to in subitem 1(1) in an amount that is not more than 1 gram or 1(2) of Schedule II in an amount that is not more than 5 grams."

After debate, the question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 2; NAYS: 7.

Libby Davies moved, — That Bill C-38, in Clause 5, be amended(a) by replacing line 1 on page 3 with the following:

"two grams, guilty of an offence punishable on"

(b) by replacing line 9 on page 3 with the following:

"more than thirty grams, guilty of an offence"

(c) by replacing line 20 on page 3 with the following:

"amount that is not more than thirty grams,"

(d) by deleting lines 1 to 14 on page 4.

The question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 2; NAYS: 7.

The Chair ruled that the following amendment was consequential to the previous amendment and therefore it was also negatived:

That Bill C-38, in Clause 5, be amended(a) by replacing lines 34 and 35 on page 2 with the following:

- "(4) Subject to subsections (5) to (5.2), every person who contravenes subsec-"
- (b) by replacing line 18 on page 4 with the following:
- "(5.2), the amount of the substance"

Randy White moved, — That Bill C-38, in Clause 5, be amended(a) by replacing line 9 on page 3 with the following:

"more than five grams, guilty of an offence"

(b) by replacing line 20 on page 3 with the following:

"amount that is not more than five grams,"



(c) by replacing line 5 on page 4 with the following:

"than five but not more than thirty grams,"

The question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Randy White moved, — That Bill C-38, in Clause 5, be amended by replacing lines 6 to 14 on page 4 with the following:

- "(a) guilty of an indictable offence and liable to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than five years less a day, or to both; or
- (b) guilty of an offence punishable on summary conviction and liable to a fine of not more than one thousand dollars or to imprisonment for a term of not more than six months, or to both." After debate, the question was put on the amendment of Randy White and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Derek Lee moved, — That Bill C-38, in Clause 5, be amended by adding after line 14 on page 4 the following:

"(5.5) A person convicted of a second or subsequent offence under subsection (1) is guilty of an offence under the *Contraventions Act* and liable to an amount not exceeding double the amount referred to in item 4 of Schedule VIII."

After debate, the question was put on the amendment of Derek Lee and it was negatived, by a show of hands: YEAS: 1; NAYS: 8.

Randy White moved, — That Bill C-38, in Clause 5, be amended by adding after line 29 on page 4 the following:

"(10) Despite anything in this section, if a person is convicted of an offence referred to in any of subsections (5) to (5.2) a second or subsequent time, the amount of the fine for the subsequent offence may be the amount set out in the relevant item of Schedule VIII increased by \$100 for each conviction after the first."

After debate, the question was put on the amendment of Randy White and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Clause 5 carried on division.

On Clause 6,

Derek Lee moved, — That Bill C-38, in Clause 6, be amended by replacing lines 37 to 44 on page 4 and lines 1 to 8 on page 5 with the following:

"(a) not more than two plants is guilty of an offence and liable on summary conviction to a fine of not more than five thousand dollars or to imprisonment for a term of not more that one year, or to both; or" The question was put on the amendment of Derek Lee and it was negatived.

Randy White moved, — That Bill C-38, in Clause 6, be amended(a) by replacing lines 39 to 41 on page 4 with the following:



"to a fine of not more than twenty five thousand dollars or to imprisonment for a term of not more than twenty months, or to both;"

(b) by replacing line 3 on page 5 with the following:

"seven years, or"

(c) by replacing line 7 on page 5 with the following:

"not more than twenty months, or to"

After debate, the question was put on the amendment of Randy White and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Libby Davies moved, — That Bill C-38, in Clause 6, be amended by replacing lines 37 to 41 on page 4 with the following:

"(a) not more than five plants is guilty of an offence and liable on summary conviction to a fine of not more than the amount referred to in item 2 of Schedule VIII;"

After debate, the question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 1; NAYS: 8.

Richard Marceau moved, — That Bill C-38, in Clause 6, be amended by replacing lines 39 to 41 on page 4 with the following:

"to a fine of not more than the amount referred to in item 1 of Schedule VIII;" After debate, the question was put on the amendment of Richard Marceau and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Gilbert Barrette moved, — That Bill C-38, in Clause 6, be amended(a) by replacing lines 38 to 41 on page 4 with the following:

offence punishable on summary conviction and liable to a fine of not more than the amount referred to in item 5 of Schedule VIII;

- (b) by adding after line 17 on page 5 the following:
- (4) If the Governor in Council makes regulations under subsection 65.1(1) of the *Contraventions Act* with respect to a province and designates the offence referred to in paragraph (3)(a) as a contravention under paragraph 8(1)(a) of that Act, that offence shall be prosecuted in that province as a contravention by means of a ticket.

After debate, the question was put on the amendment of Gilbert Barrette and it was agreed to, by a show of hands: YEAS: 8; NAYS: 2.

Derek Lee moved, — That Bill C-38, in Clause 6, be amended by replacing lines 9 to 17 on page 5 with the following:

"(b) more than two plants is guilty of an offence and liable, on conviction on indictment, to imprisonment for a term of not more that ten years."

The question was put on the amendment of Derek Lee and it was negatived.



Clause 6, as amended, carried on division.

On Clause 7,

Derek Lee moved, — That Bill C-38, in Clause 7, be amended(a) by replacing lines 45 and 46 on page 5 and lines 1 to 4 on page 6 with the following:

- "(d) the person set or placed a trap, device or other thing that is likely to cause death or bodily harm to another person in the location where the offence was committed or the immediate area or, if they occupied or were in possession of the location where the offence was committed or the immediate area, permitted such a trap, device or other thing to remain in that location or area."
- (b) by replacing lines 8 and 9 on page 6 with the following:

"decides not to impose a custodial sentence, the court shall give reasons for that"

After debate, the question was put on the amendment of Derek Lee and it was agreed to.

Clause 7, as amended, carried on division.

New Clause 7.1

Libby Davies moved, — That Bill C-38 be amended by adding after line 10 on page 6 the following new clause:

"7.1 Paragraphs 11(1)(a) to (d) of the Act are replaced by the following:

(a) a controlled substance or precursor or in the case of a substance referred to in subitem 1(1) of Schedule II, an amount more than two grams, 1(2) of Schedule II, an amount that is more than thirty grams or producing cannabis (marijuana) amount more that 5 plants in respect of which this Act has been contravened."

After debate, the question was put on the amendment of Libby Davies and it was negatived.

Clause 8 carried on division.

At 8:03 p.m., the sitting was suspended.

At 8:04 p.m., the sitting resumed.

Clause 9 carried on division.

New Clause 9.1

Libby Davies moved, — That Bill C-38 be amended by adding after line 21 on page 6 the following new clause:

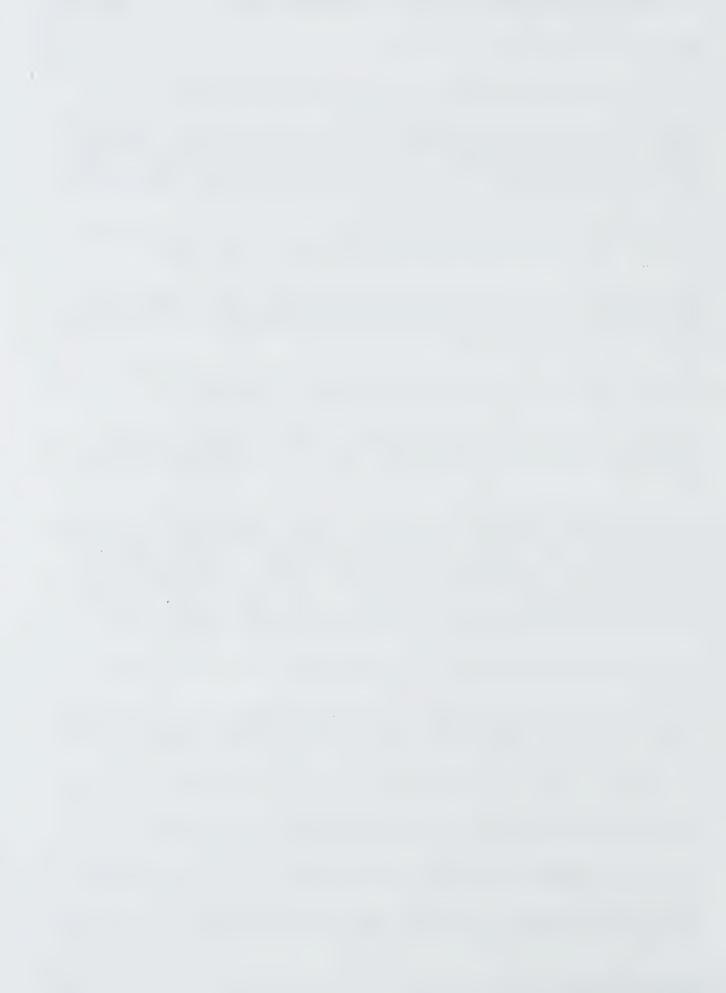
"9.1 Within one year of the passage of this Bill a commission be established to consider and implement a pardon process for people with criminal possession of up to 30 grams of marijuana." After debate, by unanimous consent, the amendment was withdrawn.

Richard Marceau moved, — That Bill C-38 be amended by adding after line 21 on page 6 the following



new clause:

- "9.1 (1) The Criminal Code is amended by adding the following after section 253:
- 253.1 (1) Where a peace officer reasonably suspects that a person who is operating a motor vehicle or vessel or operating or is assisting in the operation of an aircraft or railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not, has a drug in the person's body, the peace officer may, by demand made to that person, require the person to submit to standardized field sobriety tests performed by a qualified peace officer.
- (2) A peace officer is qualified to perform standardized field sobriety tests if the peace officer has completed a course approved by the Attorney General for the purposes of this section.
- (3) If the results of the standardized field sobriety tests indicate, in the opinion of the peace officer, that the person has a drug in the person's body, the peace officer may, by demand made to that person, require the person to submit to a drug evaluation test to be performed by a peace officer who has been designated as a drug recognition expert.
- (4) The Attorney General may designate as a drug recognition expert any peace officer who has completed a drug recognition expert program approved by the Attorney General.
- (5) A drug evaluation test under subsection (3) consists of a physical examination, including the taking of a sample of saliva, vital checks, and other tests of attention, coordination and concentration as will enable the peace officer to form an opinion as to whether the person has a drug in the person's body.
- (6) If the results of the drug evaluation test indicate, in the opinion of the peace officer, that the person has a drug in the person's body, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable such samples of the person's blood, under the conditions referred to in subsection 254(4), as in the opinion of the qualified medical practitioner or qualified technician taking the samples are necessary to enable proper analysis to be made in order to determine the concentration, if any, of drugs in the person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.
- (7) Every one commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him or her by a peace officer under this section.
- (8) A person who is convicted of an offence committed under subsection (7) for a failure or refusal to comply with a demand made under subsection (1), (3) or (6) in respect of any transaction may not be convicted of another offence committed under subsection (7) in respect of the same transaction."
- (2) The portion of subsection 255(1) of the Act before paragraph (a) is replaced by the following:
- "255. (1) Every one who commits an offence under section 253, 253.1 or 254 is guilty of an indictable offence or an offence punishable on summary conviction and is liable,"
- (3) The portion of subsection 255(4) of the Act before paragraph (a) is replaced by the following:
- "(4) Where a person is convicted of an offence committed under paragraph 253(a) or (b) or subsection 253.1(5) or 254(5), that person shall, for the purposes of this Act, be deemed to be convicted



for a second or subsequent offence, as the case may be, if the person has previously been convicted of'

The Chair ruled the proposed amendment inadmissible. The bill was sent to Committee before second reading so the question of scope does not apply. However, any proposed amendments must be relevant to the bill. This bill deals with cannabis and the amendment would expand this to include any and all drugs. Therefore it is not relevant to the bill.

By unanimous consent, the Committee amended the amendment to substitute "cannabis and its derivatives" for "drug" wherever it appears in the amendment.

After debate, by unanimous consent, the subamendment and the amendment were withdrawn.

Randy White moved, — That Bill C-38 be amended by adding after line 21 on page 6 the following new clause:

"9.1 The Government, under the National Drug Strategy, shall, no later than three years after the day this Act comes into force, appoint one or more persons to carry out a comprehensive review of the effects of the alternatives in penalties proposed under this Act, to determine what effect they have had on Canadian Society."

After debate, the question was put on the amendment of Randy White and it was agreed to.

On Clause 10,

Randy White moved, — That Bill C-38, in Clause 10, be amended by replacing line 26 on page 6 with the following:

"Council, which day shall not be before the technology is in place to do roadside checks on cannabis consumption along the same lines as contemplated by the current section 254 of the *Criminal Code*." The Chair ruled the proposed amendment inadmissible because it sought to attach a condition to the coming into force clause, as provided on page 657 of House of Commons Procedure and Practice.

Randy White moved, — That Bill C-38, in Clause 10, be amended by replacing line 26 on page 6 with the following:

"Council, which day shall not be before there is a comprehensive drug strategy for illegal drugs in Canada."

The Chair ruled the proposed amendment inadmissible because it sought to attach a condition to the coming into force clause, as provided on page 657 of House of Commons Procedure and Practice.

Clause 10 carried on division.

On Schedule 1,

Gilbert Barrette moved, — That Bill C-38, in Schedule 1, be amended by adding after item 4 on page 7 the following:

5. \$500 or, in the case of a young person, \$250

After debate, the question was put on the amendment of Gilbert Barrette and it was agreed to, by a show of hands: YEAS: 8; NAYS: 2.

Randy White moved, — That Bill C-38 be amended by replacing the Schedule on page 7 with the



following:

"SCHEDULE

(Section 9)

SCHEDULE VIII

(Sections 4 and 60)

- 1. \$300 in the case of any person, including a young person
- 2. \$150 in the case of any person, including a young person
- 3. \$400 in the case of any person, including a young person

In this Schedule, "young person" means a person who, at the time the offence is committed, is or, in the absence of evidence to the contrary, appears to be twelve years of age or more but under eighteen years of age."

After debate, the question was put on the amendment of Randy White and it was negatived, by a show of hands: YEAS: 2; NAYS: 8.

Libby Davies moved, — That Bill C-38 be amended by replacing Schedule on page 7 with the following:

"SCHEDULE

(Section 9)

SCHEDULE VIII

(Sections 4 and 60)

- 1. \$25 or, in the case of a young person, \$25
- 2. \$25 or, in the case of a young person, \$25
- 3. \$400 or, in the case of a young person, \$250
- 4. \$300 or, in the case of a young person, \$200

In this Schedule, "young person" means a person who, at the time the offence is committed, is or, in the absence of evidence to the contrary, appears to be twelve years of age or more but under eighteen years of age."

After debate, the question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 1; NAYS: 8.

Libby Davies moved, — That Bill C-38 be amended by replacing Schedule on page 7 with the following:



"SCHEDULE

(Section 9)

SCHEDULE VIII

(Sections 4 and 60)

- 1. \$0 or, in the case of a young person, \$0
- 2. \$0 or, in the case of a young person, \$0
- 3. \$400 or, in the case of a young person, \$250
- 4. \$300 or, in the case of a young person, \$200

In this Schedule, "young person" means a person who, at the time the offence is committed, is or, in the absence of evidence to the contrary, appears to be twelve years of age or more but under eighteen years of age."

The question was put on the amendment of Libby Davies and it was negatived, by a show of hands: YEAS: 1; NAYS: 8.

Schedule 1, as amended, carried on division.

The Title carried on division.

By unanimous consent, it was agreed, — That the Committee revert to the consideration of amendment previously stood.

Libby Davies moved, — That Bill C-38 be amended by adding after line 7 on page 2 the following new clause:

- "3.1 Section 58 of the *Contraventions Act* is amended by adding the following:
- "(1.1) No person shall face imprisonment for default of a fine as set out in Subsections 5, 5.1 or 3a of the Act."

After debate, the question was put on the amendment of Libby Davies and it was negatived.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-38, as amended, be reprinted for the use of the House at report stage.

By unanimous consent, the Committee considered recommendations on the subject-matter of Bill C-38.

Debate arose thereon.

It was agreed, — That the recommendations be adopted as a report and that the Chair present the report to the House.



At 09:07 p.m., the Committee adjourned to the call of the Chair.

Jean-Michel Roy Clerk of the Committee

2003/11/18 1:24 p.m.

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